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ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING PETITION AND ALL PENDING MOTIONS -- 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MICHAEL HOWARD HUNTER,

Petitioner,

VS.

OZZIE D. KNEZOVICH,

Respondent.

NO. CV-09-286-CI

ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING PETITION AND ALL PENDING MOTIONS

BEFORE THE COURT are Mr. Hunter's Objections to the Report and Recommendation to deny his federal habeas petition under 28 U.S.C. § 2254 (Ct. Recs. 30 and 34). Petitioner continues to seek his release and to recuse "All GOP Party Judges."

After review of Mr. Hunter's submissions and for the reasons set forth by the magistrate judge, IT IS ORDERED the Report and Recommendation is ADOPTED in its entirety. Therefore, IT IS ORDERED the Petition is DENIED without prejudice as it is ancillary to a prior habeas petition, cause number CV-09-166-CI, which is presently on appeal to the Ninth Circuit Court of Appeals. See Peacock v. Thomas, 516 U.S. 349, 355, 116 S.Ct. 862, 133 L.Ed.2d 817 (1996). IT IS FURTHER ORDERED all pending motions are DENIED as moot.

IT IS SO ORDERED. The District Court Executive shall enter this order, enter judgment, forward a copy to Petitioner and close the file. The court further certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.App. P. 22(b).

DATED this 9th day of November, 2009.

s/Lonny R. Suko

LONNY R. SUKO
CHIEF UNITED STATES DISTRICT JUDGE

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